

REMARKS

The present communication responds to the final Office Action mailed February 7, 2006 and Advisory Action mailed April 21, 2006, and is also being submitted in accordance with an interview with the Examiner, for which the applicant is appreciative.

In the Action, the Examiner rejected each of pending claims 1-18. The rejection of the claims is traversed in view of the discussion during the interview, the above amendments and these remarks. Reconsideration and allowance are requested.

Examiner Interview

An interview was conducted on Friday, March 31, 2006 between Examiner Bogart and the undersigned. Nathan Witzany, an assistant to the undersigned, also participated. The interview focused on possible claim amendments in the independent claims that would distinguish over the prior art. Although amending the independent claims to clarify the location of the connector, and to recite a baffle and measuring was discussed, no formal agreement was reached. The Examiner did say, however, that the amendments discussed could be submitted, hence this paper.

Rejection under 35 U.S.C. § 112

Claims 1 and 13 were rejected under 35 U.S.C. § 112, first paragraph, because of the use of the word “proximate” in the claims. This rejection has been addressed, and overcome, by the above amendments which eliminate “proximate” from the claims. It is now more clear that the connector of the present invention is used in the same room in which an end effector or vacuum tool is used.

Rejection under 35 U.S.C. § 102

Claims 1, 3, 5-7 and 10-12 were rejected under 35 U.S.C. § 102(b) as anticipated by Paul (U.S. Patent 5,264,026).

Paul discloses a centralized evacuation system wherein a central room remote from a surgical location houses a centrifugal separator, a vacuum producer and an air filter. There is

absolutely no disclosure or teaching of the connector of the present invention as claimed in amended independent claims 1 and 13. In particular, Paul does not disclose a connector for use with a central vacuum system, wherein the connector is in the same location in which a vacuum tool or end effector is being used and comprises a baffle and a measuring feature.

The amendments are supported by the specification (e.g., Fig. 1 and page 6). They are further supported by original claims 11 (the baffle) and 2, 4 and 8 (measuring), now canceled or amended, respectively.

For at least the preceding reasons, Paul does not anticipate independent claims 1 and 13. It also, therefore, does not anticipate claims 3, 5-7 and 10-12 which depend from claim 1.

Reconsideration and withdrawal of the §102(b) rejection of the claims is requested.

Rejection under 35 U.S.C. § 103

Claims 9 and 13 were rejected under 35 U.S.C. § 103(a) as unpatentable over Paul as applied to claims 1, 3, 5-7 and 10-12 in view of Shultz et al. (U.S. Patent 4,921,492), claims 2, 4, and 8 were rejected under 35 U.S.C. § 103(a) as unpatentable over Paul as applied to claims 1, 3, 5-7 and 10-12 in view of Goosen (U.S. Patent 5,019,060), and claims 14-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Paul and Shultz et al. as applied to claims 9 and 13 in view of Goosen.

Initially, neither Schultz et al. or Goosen address the fundamental deficiency of Paul. That is, neither Schultz et al. or Goosen disclose a connector for use with a central vacuum system wherein the connector is in the same location in which a vacuum tool or end effector is being used and comprises a baffle and a measuring feature.

Further, as discussed during the interview, Paul actually teaches away from the present invention because Paul discloses and teaches the only use of a centrifugal separator rather than a baffle. Even if it were proper, making the modifications required by the asserted combination would render the connector of the present invention inoperable because, if the connector could somehow be modified to use a centrifugal separator, the recited measuring features and functions of the present invention would not work.

For at least the preceding reasons, reconsideration and withdrawal of the § 103(a) rejection is requested.

Conclusion

This paper does not generate any additional fees. However, a Request or Continued Examination ("RCE") is being submitted herewith, along with a check to cover the fee associated with the RCE. The Commissioner is also hereby authorized to charge any additional fees and/or credit any overpayments associated with this paper or the RCE to Deposit Account No. 04-1420.

This application now stands in allowable form, and reconsideration and allowance are requested.


Respectfully submitted,

DORSEY & WHITNEY LLP
Customer Number 25763

Date: _____

May 5, 2006

By: _____



David E. Bruhn, Reg. No. 36,762
(612) 340-6317